IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 446 of 2002
Date of Decision: April 20, 2009

Sukhmander Singh .....Petitioner

Versus

State of Punjab .....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.K.S.Sidhu, Advocate for
Mr.S.P.S.Sidhu,Advocate, for the petitioner.
Mr.Amandeep Singh Rai, Assistant Advocate General, Punjab

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Sabina, J.

Petitioner was convicted under Sections 304-A/279 of the Indian Penal Code (`IPC' for short) vide judgment dated 2.11.1998 by the Judicial Magistrate Ist Class, Moga. Vide order of even date, petitioner was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.2500/- under Section 304-A IPC and to undergo rigorous imprisonment for three months under Section 279 IPC. Both the sentences were ordered to run concurrently. Aggrieved by the same, petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Moga vide judgment dated 19.2.2002. Hence, the present revision

petition.

The brief facts of the case, as noticed by the Appellate Court in para 2 of its judgment, are as under:-

> "Briefly stated the prosecution story is that on 4.8.1996 at about 7.30 p.m. ASI Kimiti Lal of Police Station Sadar Moga alongwith some other police officials was returning to police station Sadar Moga after patrolling on a Govt. vehicle. Allwyan Nissan being driven by C.Major Singh. When they reached near village Duneke, they saw Head Constable Suba Singh going ahead of them on his scooter. When his scooter reached near Indo Soviet Pharmacy College, a Jeep bearing registration No. DL-4CC-8405 make Mahindra came from the opposite side. It was being driven rashly and negligently and at a high speed. The driver of the jeep struck the same into scooter of Head Constable Suba Singh. Due to the accident, he fell down HC while the Jeep went towards ditches. Head Constable Suba Singh received multiple injuries due to the accident while the driver of the Jeep was arrested at the spot who disclosed his name as Sukhmander Singh son of Dalip Singh resident of Mudhki. The Occurrence was witnessed by HC Mangal Singh and LC Gurmail Singh. Then Head Constable Suba Singh was shifted to Civil Hospital Moga where he succumbed to his injuries. On receiving ruqa from ASI Kimti Lal, formal FIR, was registered in the police station. After completion of necessary formalities of investigation, challan against the accused was presented."

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Sections 304-A/279 IPC but has submitted that the sentence qua imprisonment be reduced to already undergone by the petitioner. Learned counsel has further submitted that the petitioner has undergone more than three months of actual sentence. The occurrence relates to the year 1996 and the petitioner has been facing criminal proceedings since then. Petitioner is not the previous convict.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner.

Hence, the conviction of the petitioner under Sections 304-A/279 IPC is maintained and the sentence qua the imprisonment of the petitioner is reduced to already undergone by him.

Petition stands disposed of.

(Sabina)
Judge

April 20, 2009
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